THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition (M/S) No. 272 of 2006
(Under Article 227 of the Constitution of India)

Sri Karam Singh Ahuja,
S/O Late Sri Prmanand Ahuja,
Presently R/O House No. 36 Ide Gaha,
Kumar Mandi, Dehradun Uttaranchal.

…… **Petitioner.**

Versus

1. Jai Prakash Jaiswal, S/O Sri Om Prakash Jaiswal,
   Presently R/O House No. 36 Ide Gaha,
   Kumar Mandi, Dehradun, Uttaranchal.
2. Civil Jude (Senior Division)
   Dehradun.

……. **Respondents.**

Sri Shobhit Saharia, learned counsel for the petitioner.
Sri Nand Prasad, Learned Standing Counsel for the respondent No. 2.

Dated March 24, 2006.

PC:
(Hon'ble B.S. Verma, J.)

Heard learned counsel.

The petitioners have filed the present Writ Petition with a prayer to issue suitable order or direction to respondent no.2 to decide the S.C.C. Case No. 24 of 2004, Karam Singh V. Jai Praksah expeditiously, pending in the court of Civil Judge (Senior Division) Dehradun.

The record of the case shows that the petitioner filed a suit for eviction of respondent no. 1 before the respondent no. 1 exercising jurisdiction on S.C.C. side which was registered as Suit No. 24 of 2004 on 4.10.2004. It is alleged that the respondent no. 1 in spite of service of notice did not pay any rent and he became defaulter. The written statement was filed by the respondent no. 1 on

10.1.2005 and since then the respondent no.1 is adopting delay tactics to prolong the proceedings of the said suit. It is stated that the petitioner is an old man of 75 years and the proceedings of the suit are being delayed deliberately on one pretext or the other.

In the facts ad circumstances of the case and taking into consideration that the suit by the petitioner has been filed before Small Cause Court, I direct the Judge, S.C.C. (Civil Judge Senior Division) Dehradun to decide the S.C.C. Suit No. 24 of 2004, Karan Singh Ahuja Vs. Jai Prakash Jaiswal, pending in that court expeditiously, preferably within a period of six months form toady.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP